

Article - Health - General

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§8–506.

(a) Subject to the eligibility restrictions under § 8–505(a) of this subtitle, a court may commit a defendant to the Department for inpatient evaluation as to drug or alcohol abuse if:

(1) The court finds it is not clinically appropriate for the defendant to be evaluated in a detention facility or an appropriate outpatient facility; and

(2) After an initial evaluation, the Department:

(i) Recommends a comprehensive inpatient evaluation of the defendant;

(ii) Certifies that an appropriate facility is either currently, or within a reasonable time will be able to, conduct the evaluation;

(iii) Provides to the court a date by which the evaluation can be conducted; and

(iv) Gives the court prompt notice when an evaluation can be conducted.

(b) (1) The Department shall provide the services required by this section.

(2) A designee of the Department may carry out any of the Department's duties under this section if appropriate funding is provided.

(c) The Department shall facilitate the prompt evaluation of a defendant under this section and ensure that each evaluation is conducted in accordance with regulations adopted by the Department.

(d) A court may order law enforcement officials, detention center staff, Department of Public Safety and Correctional Services staff, or sheriff's department staff within the appropriate local jurisdiction to transport the defendant to and from an evaluation facility.

(e) (1) A commitment under this section may not require evaluation for more than 7 days unless the medical condition of a defendant warrants an extension of a maximum of 14 days.

(2) Except during the first 72 hours after admission of a defendant to an evaluation facility, the Department may terminate the evaluation if the Department determines that continued evaluation:

(i) Is not in the best interest of the defendant; or

(ii) Does not serve any useful purpose.

(3) Whenever an evaluation recommends treatment, the evaluator's report shall:

(i) Name a specific program able to provide the recommended treatment; and

(ii) Give an actual or estimated date when the program can begin treatment of the defendant.

(f) (1) On completion of an evaluation under this section, the Department shall notify the court.

(2) Before a defendant is released from an evaluation facility under this section, the Department shall give the court that ordered the evaluation and the correctional facility, if any, to whose custody the defendant is to be released notice of the proposed date and time of release and have the defendant returned to the court as provided in the evaluation order.

(g) (1) If a defendant leaves an evaluation facility without authorization, the responsibility of the Department is limited to notification of the court that ordered the defendant's evaluation, as soon as it is reasonably possible.

(2) Notice under this subsection shall constitute probable cause for a court to issue a warrant for the arrest of a defendant.

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